

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JERRY WAYNE BAYS,

Plaintiff,

v.

STANISLAUS COUNTY SHERIFF
DEPARTMENT, *et al.*,

Defendants.

No. 1:22-cv-00678 JLT BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITHOUT PREJUDICE, FOR
FAILURE TO OBEY COURT ORDER AND
FAILURE TO PROSECUTE

(Doc. 5)

Jerry Wayne Bays is a county jail inmate proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. On June 7, 2022, the assigned magistrate judge issued an order directing Plaintiff to submit a completed application to proceed *in forma pauperis* or pay the \$402.00 filing fee to proceed with this action. (Doc. 4.) Plaintiff was warned that failure to comply with the Court's order would result in dismissal of this action. (*Id.*) Plaintiff did not respond to the Court's order or otherwise communicate with the Court.

On August 9, 2022, the magistrate judge found Plaintiff failed to obey the Court's order and failed to prosecute the action, and recommended the matter be dismissed without prejudice. (Doc. 5.) Those Findings and Recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen days after service. (*Id.* at 3–4.) No objections have been filed, and the deadline to do so has now passed.

1 Pursuant to 28 U.S.C. § 636 (b)(1)(C), this Court conducted a *de novo* review of the case.
2 Having carefully reviewed the entire file, the Court concludes that the magistrate judge's findings
3 and recommendations are supported by the record and by proper analysis. Based on the
4 foregoing, the Court **ORDERS**:

- 5 1. The findings and recommendations issued on August 9, 2022 (Doc. 5), are
6 **ADOPTED** in full.
7 2. This action is **DISMISSED** without prejudice.
8 3. The Clerk of the Court is directed to close this case.

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10 IT IS SO ORDERED.

11 Dated: September 13, 2022


UNITED STATES DISTRICT JUDGE

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